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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,456	11/14/2001	Maurice Zauderer	1821.0070004/EKS/EJH/TAC	6770
26111 7590 03/04/2009 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
STEELE, AMBER D				
ART UNIT		PAPER NUMBER		
1639				
MAIL DATE		DELIVERY MODE		
03/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MAURICE ZAUDERER and ERNEST S. SMITH

Application No. 09/987,456
Technology Center 1600

Mailed: March 4, 2009

Before CAROLYN L. JOHNSON, *Supervisory Paralegal Specialist*.
JOHNSON, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

INFORMATION DISCLOSURE STATEMENT

Appellants filed the following Information Disclosure Statements (IDS's), which have not been considered:

IDS filed October 16, 2006

IDS filed August 8, 2007

IDS filed November 16, 2007

IDS filed December 3, 2007

IDS filed May 21, 2008

There is no indication on the record that the Examiner has considered the above-listed IDS's. MPEP § 609 requires the Examiner to consider any IDS filed by Applicant if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDS's is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- (1) consider the IDS's listed above; and
- (2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CLJ

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